

DATE ISSUED: November 28, 2005

REPORT NO. 05-236

ATTENTION: Land Use and Housing Committee
Agenda of November 30, 2005

SUBJECT: Airport Land Use Commission's Draft Airport Land Use Compatibility Plan

SUMMARY

THIS IS AN INFORMATION ITEM ONLY. NO ACTION IS REQUIRED ON THE PART OF THE COMMITTEE OR THE CITY COUNCIL.

BACKGROUND

In 2003, state law created the San Diego County Regional Airport Authority ("Airport Authority") and, among other responsibilities, transferred to the Airport Authority the Airport Land Use Commission (ALUC) function previously performed by the San Diego Association of Governments (SANDAG) Board. The ALUC is required to create and adopt Comprehensive Land Use Plans (CLUPs) for each public and military airport. These plans reflect the 20 year projected use of the airport as described in their respective adopted master plans and establish compatibility requirements for land uses around the airports. The intent of the plans is to assure that future land uses do not impede future airport operations and to minimize the public's exposure to excessive airport noise and safety hazards.

In 2004, the Airport Authority Board directed its staff to begin preparing a comprehensive update of all the existing CLUPs and to rename these plans Airport Land Use Compatibility Plans ("Compatibility Plans"). New Compatibility Plans are typically done whenever an airport adopts a new master plan that changes its impact on the surrounding community. The current proposed Compatibility Plans, however, are primarily intended to respond to recently revised guidelines for land use compatibility. These guidelines are contained in the Airport Land Use Planning Handbook provided by the State Department of Transportation.

Airports in the City of San Diego include Brown Field, Montgomery Field, Marine Corps Air Station (MCAS) Miramar, and the San Diego International Airport at Lindbergh Field. The current proposal from the Airport Authority is to combine all compatibility plans into a single master document. This new document is intended to include general countywide policies on

land use compatibility around San Diego County airports with specific details on individual airports contained in separate chapters.

In March 2005, the Airport Authority released the draft Compatibility Plan for public review and comment. Airport Authority staff conducted public workshops, met with stakeholders and made a presentation to the Community Planners Committee (CPC). In light of the significant comments received, the Airport Authority board directed staff to work with affected local jurisdictions and stakeholders to address these concerns.

City staff has been working diligently with the Airport Authority staff to establish common ground and to discuss the proposed policies to avoid significantly affecting the City's housing, employment, economic prosperity, and community needs. Due to the complex urban nature on the International Airport at Lindbergh ("Lindbergh"), it has not been a part of those discussions although we recognize that some policy decisions made for the other airports could be applied ultimately to Lindbergh.

Recently the Airport Authority released the interim draft Compatibility Plan only ten working days prior to a proposed public workshop. At that workshop, on November 9, 2005, the Airport Authority Board heard numerous comments from the affected stakeholders. The stakeholders, almost unanimously, relayed their disappointment that the draft did not seem to reflect any of the compromises that were discussed with the Airport Authority staff. The Airport Authority staff recommended to the Board that they act on a number of technical issues (See Attachment). In each technical issue, the City and most stakeholders disagreed with the Airport Authority staff recommendation. After hours of public testimony, the Airport Authority Board accepted City staff's recommendation to take no action on the technical issues and, instead, direct their staff to form a technical working group of stakeholders to discuss and formulate alternative proposals for major policy issues. Working with the technical working group, city staff hopes to resolve many of the outstanding issues and to facilitate a revised version of the proposed Compatibility Plan. Adoption of all airport land use compatibility plans within the City of San Diego is expected by June 2006.

DISCUSSION

Since the Airport Authority does not have land use authority, implementation of the Compatibility Plan rests with the City and other affected jurisdictions. State law requires that the City's Progress Guide & General Plan, community plans and implementing regulations be brought into conformance with the Compatibility Plan within 180 days of its adoption. The City Council can overrule the Compatibility Plan with a two-thirds vote. Overruling a plan would also transfer any resulting liability to the City. The City of San Diego has, on rare occasion, overruled an airport Compatibility Plan but only as it applied to an individual project.

The draft Compatibility Plan, if adopted as currently proposed, would seriously impact our adopted community plans. Many of the planned uses and accompanying zoning would have to be changed to less intensive uses. And to the extent that that capacity was needed to meet our regional and state requirements for housing and jobs, additional capacity would have to be found elsewhere. When the City Council adopted the Strategic Framework Element of the General Plan in October 2002, the Council acknowledged that the remaining capacity of our adopted community plans could adequately meet our 20 year needs without forcing communities to

accept additional density. It is important to note that lost density would need to be replaced elsewhere.

Airport Compatibility Plans are meant to balance housing, employment, economic, and community needs with airport land use compatibility needs. City staff believes that the Airport Land Use Planning Handbook “guidelines” provide for the flexibility needed to balance these competing needs. Concerns about this balance were repeatedly echoed at the recent public workshop.

The following is a brief discussion of the concerns and issues posed by the current draft Airport Compatibility Plan.

A. Significant Land Use Impacts

In general, the draft Compatibility Plan addresses airport needs with little consideration of their impacts to housing, employment, and community-serving facilities.

- The most significant impacts to future residential development occurs in:
 - Centre City/Little Italy Neighborhood
 - Uptown/Bankers Hill Neighborhood
 - Golden Hill
 - Mira Mesa/Carroll Canyon Specific Plan Area
 - Otay Mesa

- Employment impacts will be most significant in:
 - Mira Mesa/Sorrento Valley/Mesa area
 - University/North University City area
 - Kearny Mesa
 - Otay Mesa

B. Environmental Analysis

Given all of the potential impacts associated with the draft Compatibility Plan, City staff believes that an Environmental Impact Report should be prepared to address all of the potential region-wide cumulative impacts associated with the Plan. Multiple environmental documents prepared for the various chapters of the ALUCP appear to be “piecemealing” the project under the California Environmental Equality Act (CEQA). The environmental analysis by the Airport Authority does not address the land use impacts, but, instead, relegates that responsibility to the land use jurisdiction that must, by law, bring their plans into conformance.

It is unreasonable to place the responsibility to do this analysis solely on the City, or assume that the City Council will overrule the Airport Authority in all aspects of the Compatibility Plan.

C. Major Policy Issues

City staff has worked with many of the stakeholders to identify major policy issues in the Compatibility Plan that need additional input as indicated below. As mentioned previously, these issues do not include the issues specific to Lindbergh Field.

1. Existing Land Use Definition

At what point in the City's project approval process should development projects that were submitted to the City prior to the Compatibility Plan adoption be subject to the compatibility criteria?

Under the proposed Compatibility Plan, a project may be entitled under the City's land use process but not meet the definition of existing land use in the proposed Compatibility Plan. Applicants would be required to redesign and/or resubmit for review sometimes years after their approvals. City staff is urging that any application deemed complete by the local jurisdiction under state law be considered an "existing use" under the proposed Compatibility Plan.

2. Bifurcation of the Compatibility Zones

Should the safety and noise compatibility factors be treated separately—NOT combined into a single set of Compatibility Zones?

Unlike the currently adopted CLUPs which treat each factor separately, the proposed draft Compatibility Plan addresses noise and safety in a combined manner. This has the effect of over regulating areas that are only affected by noise. Often noise can be attenuated. For example, the draft Plan proposes to limit the number of people per acre in employment areas that are currently only impacted by noise. The separate noise and safety factor approach is allowed by the state Airport Land Use Planning Handbook guidelines for airport land use compatibility plans.

4. MCAS Miramar AICUZ

Should the proposed Compatibility Plan be more restrictive than the MCAS Miramar Air Installation Use Compatibility Zones (AICUZ) Study adopted in March 2005?

In the past, the compatibility zones adopted by the military airports have served as the basis for the CLUPs. No additional restrictions have been added beyond those adopted by the military. Planned expansions of existing major high-tech and biotech corporate headquarters and R& D uses located in the Sorrento Mesa, Sorrento Valley and University City areas would be incompatible under the proposed Plan.

5. Development in Highest Risk Area

What types of uses can be considered acceptable in the highest risk areas to avoid inverse condemnation of private uses?

The highest risk area around each airport primarily encompasses airport runways and the Runway Protection Zones (RPZs), areas typically owned by airport operators. This is not necessarily the case in San Diego. The new Compatibility Plan would limit uses to those with ten or fewer people per acre. New buildings would not be allowed. City staff is concerned that if the City complies with this restriction, we will be subject to lawsuits for inverse condemnation of privately owned land.

6. Limits on Number of Building Floors

Should the proposed Compatibility Plans limit building heights where airspace protection is not the issue?

In certain compatibility zones, the draft plan limits the building heights to three and four floors. This restriction, previously used only in approach or departure zones to protect airspace, is proposed in a greatly expanded area. This is an attempt to facilitate evacuation should a building be struck by an airplane. This would severely limit development potential when other building features could accomplish the same purpose.

7. Reconstruction and Redevelopment of Nonconforming Existing Uses

What types of changes can be made to existing land uses that are inconsistent with the compatibility criteria?

The draft Compatibility Plan would result in widespread nonconforming uses around City airports. The plan further does not allow for nonconforming existing commercial uses to be redeveloped. Underutilized and outdated commercial and industrial buildings will become blighted if they are not allowed to redevelop. Redevelopment of an existing site, in an area where safety is the concern, should be permitted as long as it does not exceed its existing total building square footage.

8. Infill Policy

Should the Compatibility Plan infill policy be revised to avoid implementation issues that would be associated with the proposed criteria in an urban environment?

The infill policy is intended to allow new development to take place in areas where similar development already exists, even if the uses do not conform to the Airport Authority's criteria. The proposed infill criteria are overly regulatory, pose significant implementation issues, and do not allow flexibility in achieving the intent of the policy.

9. New and Expanded Schools and Libraries & Other Community Serving Uses

Should the Compatibility Plan restrict future schools, libraries and other community serving uses from being located in areas where future residential uses would be allowed?

The Compatibility Plan treats schools (grades K through 12), libraries and other community serving facilities as among a group of land uses which represent special safety concerns since children heavily use them. The proposed Compatibility Plan has the effect of not allowing new schools in areas that do allow new residential development. City staff recommends that future schools, libraries, and other community serving facilities should be conditionally allowed to be sited in areas that are not in a safety area, do not exceed the 65-decibel noise contour, and have acoustical insulation to ensure an interior noise level of 45 decibels.

CONCLUSION

The draft Compatibility Plan is a highly technical document that is a radical departure from the existing CLUPs. The proposed requirements seem to take the most restrictive land use approach without due consideration to the impacts to future jobs and housing. City staff is fundamentally concerned about the public input process that has been used to formulate and revise the proposed Compatibility Plan. Given the regional significance, this process should be consistent with other regional planning efforts such as the Regional Comprehensive Plan, which had stakeholder groups to work through issues.

City staff is encouraged by the Airport Authority's recent direction to delay the policy decisions and to form a technical working group. We believe this is a positive step towards meaningful dialogue. It is critical to the City and all other jurisdictions that the proposed Compatibility Plan, as its predecessor CLUPs, strikes a balance between airport needs and other critical regional needs for housing and jobs.

Unless otherwise directed, City staff will participate in the technical working group for the purpose of finding compromise solutions. Prior to any action by the Airport Authority on these issues, staff will return to Land Use and Housing for a discussion of the technical issues and we will continue to work with the City's newly appointed representative to the Airport Authority, Councilmember Tony Young.

Respectfully submitted,

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Planning Director

Approved: Ellen Oppenheim
Deputy City Manager

OPPENHEIM/GOLDBERG/KAG/SH/TG/ah

Attachment: [ALUCP Major Policy Issues Discussion Paper](#)

Note: All of the draft ALUCP documents can be found at
www.san.org/authority/aluc/alucpdocument.asp